

**[PROPOSED RECONCILIATION
PROVISION,
AS APPROVED BY THE COMMITTEE ON
COMMERCE
ON JUNE 12, 1997]**

1 **Subtitle F—Child Health Assistance**
2 **Program (CHAP)**

3 **SEC. 3501. SHORT TITLE OF SUBTITLE; TABLE OF CON-**
4 **TENTS OF SUBTITLE.**

5 (a) SHORT TITLE OF SUBTITLE.—This subtitle may be
6 cited as the “Child Health Assistance Program Act of 1997”.

7 (b) TABLE OF CONTENTS OF SUBTITLE.—The table of
8 contents of this subtitle is as follows:

Sec. 3501. Short title of subtitle; table of contents.

Sec. 3502. Establishment of Child Health Assistance Program (CHAP).

“TITLE XXI—CHILD HEALTH ASSISTANCE PROGRAM

“Sec. 2101. Purpose; State child health plans.

“Sec. 2102. Contents of State child health plan.

“Sec. 2103. Allotments.

“Sec. 2104. Payments to States.

“Sec. 2105. Process for submission, approval, and amendment of State
child health plans.

“Sec. 2106. Strategic objectives and performance goals; plan adminis-
tration.

“Sec. 2107. Annual reports; evaluations.

“Sec. 2108. Definitions.

Sec. 3503. Optional use of State child health assistance funds for enhanced
medicaid match for expanded medicaid eligibility.

Sec. 3504. Medicaid presumptive eligibility for low-income children.

9 **SEC. 3502. ESTABLISHMENT OF CHILD HEALTH ASSIST-**
10 **ANCE PROGRAM (CHAP).**

11 The Social Security Act is amended by adding at the end
12 the following new title:

13 “TITLE XXI—CHILD HEALTH ASSISTANCE PROGRAM

14 **“SEC. 2101. PURPOSE; STATE CHILD HEALTH PLANS.**

15 “(a) PURPOSE.—The purpose of this title is to provide
16 funds to States to enable them to implement plans to initiate

and expand the provision of child health care assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of coverage for children. Such assistance may be provided for obtaining creditable health coverage through methods specified in the plan, which may include any or all of the following:

“(1) Providing benefits under the State’s medicaid plan under title XIX.

“(2) Obtaining coverage under group health plans or group or individual health insurance coverage.

“(3) Direct purchase of services from providers.

“(4) Other methods specified under the plan.

“(b) STATE CHILD HEALTH PLAN REQUIRED.—A State is not eligible for payment under section 2104 unless the State has submitted to the Secretary under section 2105 a plan that—

“(1) sets forth how the State intends to use the funds provided under this title to provide child health assistance to needy children consistent with the provisions of this title, and

“(2) is approved under section 2105.

“(c) STATE ENTITLEMENT.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under section 2104.

“(d) EFFECTIVE DATE.—No State is eligible for payments under section 2104 for any calendar quarter beginning before October 1, 1997.

“SEC. 2102. CONTENTS OF STATE CHILD HEALTH PLAN.

“(a) GENERAL BACKGROUND AND DESCRIPTION.—A State child health plan shall include a description, consistent with the requirements of this title, of—

“(1) the extent to which, and manner in which, children in the State, including targeted low-income children and other classes of children classified by income and other relevant factors, currently have creditable health coverage (as defined in section 2108(c)(2));

1 “(2) current State efforts to provide or obtain cred-
2 itable health coverage for uncovered children, including the
3 steps the State is taking to identify and enroll all uncov-
4 ered children who are eligible to participate in public health
5 insurance programs and health insurance programs that in-
6 volve public-private partnerships;

7 “(3) how the plan is designed to be coordinated with
8 such efforts to increase coverage of children under cred-
9 itable health coverage; and

10 “(4) how the plan will comply with subsection (c)(5).

11 “(b) GENERAL DESCRIPTION OF ELIGIBILITY STANDARDS
12 AND METHODOLOGY.—

13 “(1) ELIGIBILITY STANDARDS.—

14 “(A) IN GENERAL.—The plan shall include a de-
15 scription of the standards used to determine the eligi-
16 bility of targeted low-income children for child health
17 assistance under the plan. Such standards may include
18 (to the extent consistent with this title) those relating
19 to the geographic areas to be served by the plan, age,
20 income and resources (including any standards relating
21 to spenddowns and disposition of resources), residency,
22 disability status, immigration status, access to or cov-
23 erage under other health coverage, and duration of eli-
24 gibility. Such standards may not discriminate on the
25 basis of diagnosis.

26 “(B) LIMITATIONS ON ELIGIBILITY STANDARDS.—
27 Such eligibility standards—

28 “(i) shall, within any defined group of covered
29 targeted low-income children, not cover such chil-
30 dren with higher family income without covering
31 children with a lower family income, and

32 “(ii) may not deny eligibility based on a child
33 having a preexisting medical condition.

34 “(2) METHODOLOGY.—The plan shall include a de-
35 scription of methods of establishing and continuing eligi-
36 bility and enrollment, including a methodology for comput-

ing family income that is consistent with the methodology used under section 1902(l)(3)(E).

“(3) ELIGIBILITY SCREENING; COORDINATION WITH OTHER HEALTH COVERAGE PROGRAMS.—The plan shall include a description of procedures to be used to ensure—

“(A) through both intake and followup screening, that only targeted low-income children are furnished child health assistance under the State child health plan;

“(B) that children found through the screening to be eligible for medical assistance under the State medicaid plan under title XIX are enrolled for such assistance under such plan;

“(C) that the insurance provided under the State child health plan does not substitute for coverage under group health plans; and

“(D) coordination with other public and private programs providing creditable coverage for low-income children.

“(4) NONENTITLEMENT.—Nothing in this title shall be construed as providing an individual with an entitlement to child health assistance under a State child health plan.

“(c) DESCRIPTION OF ASSISTANCE.—

“(1) IN GENERAL.—A State child health plan shall include a description of the child health assistance provided under the plan for targeted low-income children. The child health assistance provided to a targeted low-income child under the plan in the form described in paragraph (2) of section 2101(a) shall include benefits (in an amount, duration, and scope specified under the plan) for at least the following categories of services:

“(A) Inpatient and outpatient hospital services.

“(B) Physicians’ surgical and medical services.

“(C) Laboratory and x-ray services.

“(D) Well-baby and well-child care, including age-appropriate immunizations.

1 The previous sentence shall not apply to coverage under a
2 group health plan if the benefits under such coverage for
3 individuals under this title are no less than the benefits for
4 other individuals similarly covered under the plan.

5 “(2) ITEMS.—The description shall include the follow-
6 ing:

7 “(A) COST SHARING.—Subject to paragraph (3),
8 the amount (if any) of premiums, deductibles, coinsur-
9 ance, and other cost sharing imposed.

10 “(B) DELIVERY METHOD.—The State’s approach
11 to delivery of child health assistance, including a gen-
12 eral description of—

13 “(i) the use (or intended use) of different de-
14 livery methods, which may include the delivery
15 methods used under the medicaid plan under title
16 XIX, fee-for-service, managed care arrangements
17 (such as capitated health care plans, case manage-
18 ment, and case coordination), direct provision of
19 health care services (such as through community
20 health centers and disproportionate share hos-
21 pitals), vouchers, and other delivery methods; and

22 “(ii) utilization control systems.

23 “(3) LIMITATIONS ON COST SHARING.—

24 “(A) NO COST SHARING ON PREVENTIVE BENE-
25 FITS.—The plan may not impose deductibles, coinsur-
26 ance, or similar cost sharing with respect to benefits
27 for preventive services.

28 “(B) SLIDING SCALE.—To the extent practicable,
29 any premiums imposed under the plan shall be imposed
30 on a sliding scale related to income and the plan may
31 only vary premiums, deductibles, coinsurance, and
32 other cost sharing based on the family income of tar-
33 geted low-income children only in a manner that does
34 not favor children from families with higher income
35 over children from families with lower income.

36 “(4) RESTRICTION ON APPLICATION OF PREEXISTING
37 CONDITION EXCLUSIONS.—

1 “(A) IN GENERAL.—Subject to subparagraph (B),
2 the State child health plan shall not permit the imposi-
3 tion of any preexisting condition exclusion for covered
4 benefits under the plan.

5 “(B) GROUP HEALTH PLANS AND GROUP HEALTH
6 INSURANCE COVERAGE.—If the State child health plan
7 provides for benefits through payment for, or a con-
8 tract with, a group health plan or group health insur-
9 ance coverage, the plan may permit the imposition of
10 a preexisting condition exclusion but only insofar as it
11 is permitted under the applicable provisions of part 7
12 of subtitle B of title I of the Employee Retirement In-
13 come Security Act of 1974 and title XXVII of the Pub-
14 lic Health Service Act.

15 “(5) SPECIAL PROTECTION FOR CHILDREN WITH
16 CHRONIC HEALTH CONDITIONS AND SPECIAL HEALTH CARE
17 NEEDS.—In the case of a child who has a chronic condi-
18 tion, life-threatening condition, or combination of condi-
19 tions that warrants medical specialty care and who is eligi-
20 ble for benefits under the plan with respect to such care,
21 the State child health plan shall assure access to such care,
22 including the use of a medical specialist as a primary care
23 provider.

24 “(6) SECONDARY PAYMENT.—Nothing in this section
25 shall be construed as preventing a State from denying ben-
26 efits to an individual to the extent such benefits are avail-
27 able to the individual under another public or private
28 health care insurance program.

29 “(7) TREATMENT OF CASH PAYMENTS.—Payments in
30 the form of cash or vouchers provided as child health or
31 other assistance under the State child health plan to par-
32 ents, guardians or other caretakers of a targeted low-in-
33 come child are not considered income for purpose of eligi-
34 bility for, or benefits provided under, any means-tested
35 Federal or Federally-assisted program.

1 “(d) OUTREACH AND COORDINATION.—A State child
2 health plan shall include a description of the procedures to be
3 used by the State to accomplish the following:

4 “(1) OUTREACH.—Outreach to families of children
5 likely to be eligible for child health assistance under the
6 plan or under other public or private health coverage pro-
7 grams to inform these families of the availability of, and
8 to assist them in enrolling their children in, such a pro-
9 gram.

10 “(2) COORDINATION WITH OTHER HEALTH INSUR-
11 ANCE PROGRAMS.—Coordination of the administration of
12 the State program under this subtitle with other public and
13 private health insurance programs.

14 **“SEC. 2103. ALLOTMENTS.**

15 “(a) TOTAL ALLOTMENT.—The total allotment that is
16 available under this title for each fiscal year, beginning with
17 fiscal year 1998, is \$2,880,000,000.

18 “(b) ALLOTMENTS TO 50 STATES AND DISTRICT OF CO-
19 LUMBIA.—

20 “(1) IN GENERAL.—Subject to paragraphs (4) and
21 (5), of the total allotment available under subsection (a) for
22 a fiscal year, reduced by the amount of allotments made
23 under subsection (c) for the fiscal year, the Secretary shall
24 allot to each State (other than a State described in such
25 subsection) with a State child health plan approved under
26 this title the same proportion as the ratio of—

27 “(A) the product of (i) the number of uncovered
28 low-income children for the fiscal year in the State (as
29 determined under paragraph (2)) and (ii) the State
30 cost factor for that State (established under paragraph
31 (3)); to

32 “(B) the sum of the products computed under
33 subparagraph (A).

34 “(2) NUMBER OF UNCOVERED LOW-INCOME CHIL-
35 DREN.—For the purposes of paragraph (1)(A)(i), the num-
36 ber of uncovered low-income children for a fiscal year in a
37 State is equal to the arithmetic average of the number of

low-income children (as defined in section 2108(c)(4)) with no health insurance coverage, as reported and defined in the 3 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the fiscal year.

“(3) ADJUSTMENT FOR GEOGRAPHIC VARIATIONS IN HEALTH COSTS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(A)(ii), the ‘State cost factor’ for a State for a fiscal year equal to the sum of—

“(i) 0.15, and

“(ii) 0.85 multiplied by the ratio of—

“(I) the annual average wages per employee for the State for such year (as determined under subparagraph (B)), to

“(II) the annual average wages per employee for the 50 States and the District of Columbia.

“(B) ANNUAL AVERAGE WAGES PER EMPLOYEE.—For purposes of subparagraph (A), the ‘annual average wages per employee’ for a State, or for all the States, for a fiscal year is equal to the average of the annual wages per employee for the State or for the 50 States and the District of Columbia for employees in the health services industry (SIC code 8000), as reported by the Bureau of Labor Statistics of the Department of Labor for each of the for the most recent 3 years before the beginning of the fiscal year involved.

“(4) FLOOR FOR STATES.—Subject to paragraph (5), in no case shall the amount of the allotment under this subsection for one of the 50 States or the District of Columbia for a year be less than \$2,000,000. To the extent that the application of the previous sentence results in an increase in the allotment to a State above the amount otherwise provided, the allotments for the other States and the District of Columbia under this subsection shall be decreased in a pro rata manner (but not below \$2,000,000)

1 so that the total of such allotments in a fiscal year does
2 not exceed the amount otherwise provided for allotment
3 under paragraph (1) for that fiscal year.

4 “(5) OFFSET FOR EXPENDITURES UNDER MEDICAID
5 PRESUMPTIVE ELIGIBILITY.—The amount of the allotment
6 otherwise provided to a State under this subsection for a
7 fiscal year shall be reduced by the amount of the payments
8 made to the State under section 1903(a) for calendar quar-
9 ters during such fiscal year that are attributable to provi-
10 sion of medical assistance to a child during a presumptive
11 eligibility period under section 1920A.

12 “(c) ALLOTMENTS TO TERRITORIES.—

13 “(1) IN GENERAL.—Subject to paragraph (3), of the
14 total allotment under subsection (a) for a fiscal year, the
15 Secretary shall allot 0.5 percent among each of the com-
16 monwealths and territories described in paragraph (4) in
17 the same proportion as the percentage specified in para-
18 graph (2) for such commonwealth or territory bears to the
19 sum of such percentages for all such commonwealths or
20 territories so described.

21 “(2) PERCENTAGE.—The percentage specified in this
22 paragraph for—

23 “(A) Puerto Rico is 91.6 percent,

24 “(B) Guam is 3.5 percent,

25 “(C) Virgin Islands is 2.6 percent,

26 “(D) American Samoa is 1.2 percent, and

27 “(E) the Northern Mariana Islands is 1.1 percent.

28 “(3) FLOOR.—In no case shall the amount of the al-
29 lotment to a commonwealth or territory under paragraph
30 (1) for a fiscal year be less than \$100,000. To the extent
31 that the application of the previous sentence results in an
32 increase in the allotment to a commonwealth or territory
33 above the amount otherwise provided, the allotments for
34 the other commonwealths and territories under this sub-
35 section for the fiscal year shall be decreased (but not below
36 \$100,000) in a pro rata manner so that the total of such

allotments does not exceed the total amount otherwise provided for allotment under paragraph (1).

“(4) COMMONWEALTHS AND TERRITORIES.—A commonwealth or territory described in this paragraph is any of the following if it has a State child health plan approved under this title:

“(A) Puerto Rico.

“(B) Guam.

“(C) the Virgin Islands.

“(D) American Samoa.

“(E) the Northern Mariana Islands.

“(d) ADJUSTMENT FOR STATES USING ENHANCED MEDICAID MATCH.—In the case of a State that elects the increased medicaid matching option under section 1905(t), the amount of the State’s allotment under this section shall be reduced by the amount of additional payment made under section 1903 that is attributable to the increase in the Federal medical assistance percentage effected under such option.

“(e) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Amounts allotted to a State pursuant to this section for a fiscal year shall remain available for expenditure by the State through the end of the second succeeding fiscal year.

“SEC. 2104. PAYMENTS TO STATES.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a program approved under this title, from its allotment under section 2103 (as may be adjusted under section 2103(d)), an amount for each quarter up to 80 percent of expenditures under that program in the quarter for—

“(1) child health assistance for targeted low-income children;

“(2) health services initiatives for improving the health of children (including targeted low-income children and other low-income children);

“(3) expenditures for outreach activities as provided in section 2102(d)(1); and

1 “(4) other reasonable costs incurred by the State to
2 administer the plan.

3 “(b) LIMITATION ON CERTAIN PAYMENTS FOR CERTAIN
4 EXPENDITURES.—

5 “(1) IN GENERAL.—Funds provided to a State under
6 this title shall only be used to carry out the purposes of
7 this title.

8 “(2) LIMITATION ON EXPENDITURES NOT USED FOR
9 ASSISTANCE.—Payment shall not be made under subsection
10 (a) for expenditures for items described in paragraphs (2),
11 (3), or (4) of subsection to the extent the total of such ex-
12 penditures exceeds 15 percent of total expenditures under
13 the plan for the period involved (including any in such total
14 additional Federal medical assistance payments under sec-
15 tion 1903(a)(1) that are attributable to an enhanced State
16 medicaid match under section 1905(t)).

17 “(3) PURCHASE OF FAMILY COVERAGE.—The Sec-
18 retary shall establish rules regarding the extent to which
19 payment may be made under subsection (a)(1) for the pur-
20 chase of family coverage under a group health plan or
21 health insurance coverage that includes coverage of tar-
22 geted low-income children. Under such rules such payment
23 may be permitted, notwithstanding that a portion may be
24 considered attributable to purchase of coverage for other
25 family members, if the State demonstrates that purchase of
26 such coverage is cost effective relative to the amounts that
27 the State would have paid to obtain comparable coverage
28 only of the targeted low-income children involved. In mak-
29 ing such determination, there shall be taken into account
30 the costs of providing coverage for medical assistance for
31 children with similar actuarial characteristics under section
32 1902(l).

33 “(4) DENIAL OF PAYMENT FOR REDUCTION OF MEDIC-
34 AID ELIGIBILITY STANDARDS.—No payment may be made
35 under subsection (a) with respect to child health assistance
36 provided under a State child health plan to a targeted low-
37 income child if the child would be eligible for medical as-

sistance under the State plan under title XIX (as such plan was in effect as of June 1, 1997) but for a change in the income or assets standards or methodology under such plan effected after such date.

“(5) DISALLOWANCES FOR EXCLUDED PROVIDERS.—

“(A) IN GENERAL.—Payment shall not be made to a State under subsection (a) for expenditures for items and services furnished—

“(i) by a provider who was excluded from participation under title V, XVIII, or XX or under this title pursuant to section 1128, 1128A, 1156, or 1842(j)(2), or

“(ii) under the medical direction or on the prescription of a physician who was so excluded, if the provider of the services knew or had reason to know of the exclusion.

“(B) EXCEPTION FOR EMERGENCY SERVICES.—

Subparagraph (A) shall not apply to emergency items or services, not including hospital emergency room services.

“(6) USE OF NON-FEDERAL FUNDS FOR STATE MATCHING REQUIREMENT.—Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of non-Federal contributions required under subsection (a).

“(7) TREATMENT OF THIRD PARTY LIABILITY.—No payment shall be made to a State under this section for expenditures for child health assistance provided for a targeted low-income child under its plan to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation be-

1 cause the individual is eligible for or is provided child
2 health assistance under the plan.

3 “(8) SECONDARY PAYER PROVISIONS.—Except as oth-
4 erwise provided by law, no payment shall be made to a
5 State under this section for expenditures for child health
6 assistance provided for a targeted low-income child under
7 its plan to the extent that payment has been made or can
8 reasonably be expected to be made promptly (as determined
9 in accordance with regulations) under any other federally
10 operated or financed health care insurance program, other
11 than an insurance program operated or financed by the In-
12 dian Health Service, as identified by the Secretary. For
13 purposes of this paragraph, rules similar to the rules for
14 overpayments under section 1903(d)(2) shall apply.

15 “(9) LIMITATION ON PAYMENT FOR ABORTIONS.—

16 “(A) IN GENERAL.—Payment shall not be made to
17 a State under this section for any amount expended
18 under the State plan to pay for any abortion or to as-
19 sist in the purchase, in whole or in part, of health bene-
20 fit coverage that includes coverage of abortion.

21 “(B) EXCEPTION.—Subparagraph (A) shall not
22 apply to an abortion—

23 “(i) if the pregnancy is the result of an act of
24 rape or incest, or

25 “(ii) in the case where a woman suffers from
26 a physical disorder, illness, or injury that would, as
27 certified by a physician, place the woman in danger
28 of death unless an abortion is performed.

29 “(c) ADVANCE PAYMENT; RETROSPECTIVE ADJUST-
30 MENT.—The Secretary may make payments under this section
31 for each quarter on the basis of advance estimates of expendi-
32 tures submitted by the State and other investigation the Sec-
33 retary may find necessary, and may reduce or increase the pay-
34 ments as necessary to adjust for any overpayment or underpay-
35 ment for prior quarters.

1 **“SEC. 2105. PROCESS FOR SUBMISSION, APPROVAL, AND**
2 **AMENDMENT OF STATE CHILD HEALTH**
3 **PLANS.**

4 “(a) INITIAL PLAN.—

5 “(1) IN GENERAL.—As a condition of receiving fund-
6 ing under section 2104, a State shall submit to the Sec-
7 retary a State child health plan that meets the applicable
8 requirements of this title.

9 “(2) APPROVAL.—Except as the Secretary may pro-
10 vide under subsection (e), a State plan submitted under
11 paragraph (1)—

12 “(A) shall be approved for purposes of this title,

13 and

14 “(B) shall be effective beginning with a calendar
15 quarter that is specified in the plan, but in no case ear-
16 lier than the first calendar quarter that begins at least
17 60 days after the date the plan is submitted.

18 “(b) PLAN AMENDMENTS.—

19 “(1) IN GENERAL.—A State may amend, in whole or
20 in part, its State child health plan at any time through
21 transmittal of a plan amendment.

22 “(2) APPROVAL.—except as the secretary may provide
23 under subsection (e), an amendment to a state plan sub-
24 mitted under paragraph (1)—

25 “(A) shall be approved for purposes of this title,

26 and

27 “(B) shall be effective as provided in paragraph
28 (3).

29 “(3) EFFECTIVE DATES FOR AMENDMENTS.—

30 “(A) IN GENERAL.—Subject to the succeeding pro-
31 visions of this paragraph, an amendment to a State
32 plan shall take effect on one or more effective dates
33 specified in the amendment.

34 “(B) AMENDMENTS RELATING TO ELIGIBILITY OR
35 BENEFITS.—

36 “(i) NOTICE REQUIREMENT.—Any plan
37 amendment that eliminates or restricts eligibility or

benefits under the plan may not take effect unless the State certifies that it has provided prior or contemporaneous public notice of the change, in a form and manner provided under applicable State law.

“(ii) TIMELY TRANSMITTAL.—Any plan amendment that eliminates or restricts eligibility or benefits under the plan shall not be effective for longer than a 60-day period unless the amendment has been transmitted to the Secretary before the end of such period.

“(C) OTHER AMENDMENTS.—Any plan amendment that is not described in subparagraph (C) becomes effective in a State fiscal year may not remain in effect after the end of such fiscal year (or, if later, the end of the 90-day period on which it becomes effective) unless the amendment has been transmitted to the Secretary.

“(c) DISAPPROVAL OF PLANS AND PLAN AMENDMENTS.—

“(1) PROMPT REVIEW OF PLAN SUBMITTALS.—The Secretary shall promptly review State plans and plan amendments submitted under this section to determine if they substantially comply with the requirements of this title.

“(2) 90-DAY APPROVAL DEADLINES.—A State plan or plan amendment is considered approved unless the Secretary notifies the State in writing, within 90 days after receipt of the plan or amendment, that the plan or amendment is disapproved (and the reasons for disapproval) or that specified additional information is needed.

“(3) CORRECTION.—In the case of a disapproval of a plan or plan amendment, the Secretary shall provide a State with a reasonable opportunity for correction before taking financial sanctions against the State on the basis of such disapproval.

“(d) PROGRAM OPERATION.—

1 “(1) IN GENERAL.—The State shall conduct the pro-
 2 gram in accordance with the plan (and any amendments)
 3 approved under subsection (c) and with the requirements of
 4 this title.

5 “(2) VIOLATIONS.—The Secretary shall establish a
 6 process for enforcing requirements under this title. Such
 7 process shall provide for the withholding of funds in the
 8 case of substantial noncompliance with such requirements.
 9 In the case of an enforcement action against a State under
 10 this paragraph, the Secretary shall provide a State with a
 11 reasonable opportunity for correction before taking finan-
 12 cial sanctions against the State on the basis of such an ac-
 13 tion.

14 “(e) CONTINUED APPROVAL.—An approved State child
 15 health plan shall continue in effect unless and until the State
 16 amends the plan under subsection (b) or the Secretary finds
 17 substantial noncompliance of the plan with the requirements of
 18 this title under section subsection (d)(2).

19 **“SEC. 2106. STRATEGIC OBJECTIVES AND PERFORM-**
 20 **ANCE GOALS; PLAN ADMINISTRATION.**

21 “(a) STRATEGIC OBJECTIVES AND PERFORMANCE
 22 GOALS.—

23 “(1) DESCRIPTION.—A State child health plan shall
 24 include a description of—

25 “(A) the strategic objectives,

26 “(B) the performance goals, and

27 “(C) the performance measures,

28 the State has established for providing child health assist-
 29 ance to targeted low-income children under the plan and
 30 otherwise for maximizing health coverage for other low-in-
 31 come children and children generally in the State.

32 “(2) STRATEGIC OBJECTIVES.—Such plan shall iden-
 33 tify specific strategic objectives relating to increasing the
 34 extent of creditable health coverage among targeted low-in-
 35 come children and other low-income children.

1 “(3) PERFORMANCE GOALS.—Such plan shall specify
2 one or more performance goals for each such strategic ob-
3 jective so identified.

4 “(4) PERFORMANCE MEASURES.—Such plan shall de-
5 scribe how performance under the plan will be—

6 “(A) measured through objective, independently
7 verifiable means, and

8 “(B) compared against performance goals, in
9 order to determine the State’s performance under this
10 title.

11 “(b) RECORDS, REPORTS, AUDITS, AND EVALUATION.—

12 “(1) DATA COLLECTION, RECORDS, AND REPORTS.—A
13 State child health plan shall include an assurance that the
14 State will collect the data, maintain the records, and fur-
15 nish the reports to the Secretary, at the times and in the
16 standardized format the Secretary may require in order to
17 enable the Secretary to monitor State program administra-
18 tion and compliance and to evaluate and compare the effec-
19 tiveness of State plans under this title.

20 “(2) STATE ASSESSMENT AND STUDY.—A State child
21 health plan shall include a description of the State’s plan
22 for the annual assessments and reports under section
23 2107(a) and the evaluation required by section 2107(b).

24 “(3) AUDITS.—A State child health plan shall include
25 an assurance that the State will afford the Secretary access
26 to any records or information relating to the plan for the
27 purposes of review or audit.

28 “(c) PROGRAM DEVELOPMENT PROCESS.—A State child
29 health plan shall include a description of the process used to
30 involve the public in the design and implementation of the plan
31 and the method for ensuring ongoing public involvement.

32 “(d) PROGRAM BUDGET.—A State child health plan shall
33 include a description of the budget for the plan. The descrip-
34 tion shall be updated periodically as necessary and shall include
35 details on the planned use of funds and the sources of the non-
36 Federal share of plan expenditures, including any requirements
37 for cost sharing by beneficiaries.

1 “(e) APPLICATION OF CERTAIN GENERAL PROVISIONS.—
 2 The following sections in part A of title XI shall apply to
 3 States under this title in the same manner as they applied to
 4 a State under title XIX:

5 “(1) Section 1101(a)(1) (relating to definition of
 6 State).

7 “(2) Section 1116 (relating to administrative and judi-
 8 cial review), but only insofar as consistent with the provi-
 9 sions of part B.

10 “(3) Section 1124 (relating to disclosure of ownership
 11 and related information).

12 “(4) Section 1126 (relating to disclosure of informa-
 13 tion about certain convicted individuals).

14 “(5) Section 1128B(d) (relating to criminal penalties
 15 for certain additional charges).

16 “(6) Section 1132 (relating to periods within which
 17 claims must be filed).

18 **“SEC. 2107. ANNUAL REPORTS; EVALUATIONS.**

19 “(a) ANNUAL REPORT.—The State shall—

20 “(1) assess the operation of the State plan under this
 21 title in each fiscal year, including the progress made in re-
 22 ducing the number of uncovered low-income children; and

23 “(2) report to the Secretary, by January 1 following
 24 the end of the fiscal year, on the result of the assessment.

25 “(b) STATE EVALUATIONS.—

26 “(1) IN GENERAL.—By March 31, 2000, each State
 27 that has a State child health plan shall submit to the Sec-
 28 retary an evaluation that includes each of the following:

29 “(A) An assessment of the effectiveness of the
 30 State plan in increasing the number of children with
 31 creditable health coverage.;

32 “(B) A description and analysis of the effective-
 33 ness of elements of the State plan, including—

34 “(i) the characteristics of the children and
 35 families assisted under the State plan including age
 36 of the children, family income, and the assisted
 37 child’s access to or coverage by other health insur-

1 ance prior to the State plan and after eligibility for
2 the State plan ends,

3 “(ii) the quality of health coverage provided
4 including the types of benefits provided,

5 “(iii) the amount and level (payment of part
6 or all of the premium) of assistance provided by the
7 State,

8 “(iv) the service area of the State plan,

9 “(v) the time limits for coverage of a child
10 under the State plan,

11 “(vi) the State’s choice of health insurance
12 plans and other methods used for providing child
13 health assistance , and

14 “(vii) the sources of non-Federal funding used
15 in the State plan;

16 “(C) an assessment of the effectiveness of other
17 public and private programs in the State in increasing
18 the availability of affordable quality individual and fam-
19 ily health insurance for children;

20 “(D) a review and assessment of State activities to
21 coordinate the plan under this title with other public
22 and private programs providing health care and health
23 care financing, including Medicaid and maternal and
24 child health services;

25 “(E) an analysis of changes and trends in the
26 State that affect the provision of accessible, affordable,
27 quality health insurance and health care to children;

28 “(F) a description of any plans the State has for
29 improving the availability of health insurance and
30 health care for children;

31 “(G) recommendations for improving the program
32 under this title; and

33 “(H) any other matters the State and the Sec-
34 retary consider appropriate.

35 “(2) REPORT OF THE SECRETARY.—The Secretary
36 shall submit to the Congress and make available to the
37 public by December 31, 2000, a report based on the eval-

uations submitted by States under paragraph (1), containing any conclusions and recommendations the Secretary considers appropriate.

“SEC. 2108. DEFINITIONS.

“(a) CHILD HEALTH ASSISTANCE.—For purposes of this title, the term ‘child health assistance’ means payment of part or all of the cost of any of the following, or assistance in the purchase, in whole or in part, of health benefit coverage that includes any of the following, for targeted low-income children (as defined in subsection (b)) as specified under the State plan:

“(1) Inpatient hospital services.

“(2) Outpatient hospital services.

“(3) Physician services.

“(4) Surgical services.

“(5) Clinic services (including health center services) and other ambulatory health care services.

“(6) Prescription drugs and biologicals and the administration of such drugs and biologicals, only if such drugs and biologicals are not furnished for the purpose of causing, or assisting in causing, the death, suicide, euthanasia, or mercy killing of a person.

“(7) Over-the-counter medications.

“(8) Laboratory and radiological services.

“(9) Prenatal care and prepregnancy family planning services and supplies.

“(10) Inpatient mental health services, including services furnished in a State-operated mental hospital and including residential or other 24-hour therapeutically planned structured services.

“(11) Outpatient mental health services, including services furnished in a State-operated mental hospital and including community-based services.

“(12) Durable medical equipment and other medically-related or remedial devices (such as prosthetic devices, implants, eyeglasses, hearing aids, dental devices, and adaptive devices).

“(13) Disposable medical supplies.

1 “(14) Home and community-based health care services
2 and related supportive services (such as home health nurs-
3 ing services, home health aide services, personal care, as-
4 sistance with activities of daily living, chore services, day
5 care services, respite care services, training for family
6 members, and minor modifications to the home).

7 “(15) Nursing care services (such as nurse practi-
8 tioner services, nurse midwife services, advanced practice
9 nurse services, private duty nursing care, pediatric nurse
10 services, and respiratory care services) in a home, school,
11 or other setting.

12 “(16) Abortion only if necessary to save the life of the
13 mother or if the pregnancy is the result of an act of rape
14 or incest.

15 “(17) Dental services.

16 “(18) Inpatient substance abuse treatment services
17 and residential substance abuse treatment services.

18 “(19) Outpatient substance abuse treatment services.

19 “(20) Case management services.

20 “(21) Care coordination services.

21 “(22) Physical therapy, occupational therapy, and
22 services for individuals with speech, hearing, and language
23 disorders.

24 “(23) Hospice care.

25 “(24) Any other medical, diagnostic, screening, pre-
26 ventive, restorative, remedial, therapeutic, or rehabilitative
27 services (whether in a facility, home, school, or other set-
28 ting) if recognized by State law and only if the service is—

29 “(A) prescribed by or furnished by a physician or
30 other licensed or registered practitioner within the
31 scope of practice as defined by State law,

32 “(B) performed under the general supervision or
33 at the direction of a physician, or

34 “(C) furnished by a health care facility that is op-
35 erated by a State or local government or is licensed
36 under State law and operating within the scope of the
37 license.

1 “(25) Premiums for private health care insurance cov-
2 erage.

3 “(26) Medical transportation.

4 “(27) Enabling services (such as transportation, trans-
5 lation, and outreach services) only if designed to increase
6 the accessibility of primary and preventive health care serv-
7 ices for eligible low-income individuals.

8 “(28) Any other health care services or items specified
9 by the Secretary and not excluded under this section.

10 “(b) TARGETED LOW-INCOME CHILD DEFINED.—For
11 purposes of this title—

12 “(1) IN GENERAL.—The term ‘targeted low-income
13 child’ means a child—

14 “(A) who has been determined eligible by the
15 State for child health assistance under the State plan;

16 “(B) whose family income (as determined under
17 the State child health plan)—

18 “(i) exceeds the medicaid applicable income
19 level (as defined in paragraph (2) and expressed as
20 a percentage of the poverty line), but

21 “(ii) but does not exceed an income level that
22 is 75 percentage points higher (as so expressed)
23 than the medicaid applicable income level, or, if
24 higher, 133 percent of the poverty line for a family
25 of the size involved; and

26 “(C) who is not found to be eligible for medical as-
27 sistance under title XIX or covered under a group
28 health plan or under health insurance coverage (as
29 such terms are defined in section 2791 of the Public
30 Health Service Act).

31 Such term does not include a child who is an inmate of a
32 public institution.

33 “(2) MEDICAID APPLICABLE INCOME LEVEL.—The
34 term ‘medicaid applicable income level’ means, with respect
35 to a child, the effective income level (expressed as a percent
36 of the poverty line) that has been specified under the State
37 plan under title XIX (including under a waiver authorized

by the Secretary or under section 1902(r)(2)), as of June 1, 1997, for the child to be eligible for medical assistance under section 1902(l)(2) for the age of such child. In applying the previous sentence in the case of a child described in section 1902(l)(2)(D), such level shall be applied taking into account the expanded coverage effected among such children under such section with the passage of time.

“(c) ADDITIONAL DEFINITIONS.—For purposes of this title:

“(1) CHILD.—The term ‘child’ means an individual under 19 years of age.

“(2) CREDITABLE HEALTH COVERAGE.—The term ‘creditable health coverage’ has the meaning given the term ‘creditable coverage’ under section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)) and includes coverage (including the direct provision of services) provided to a targeted low-income child under this title.

“(3) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; ETC.—The terms ‘group health plan’, ‘group health insurance coverage’, and ‘health insurance coverage’ have the meanings given such terms in section 2191 of the Public Health Service Act.

“(4) LOW-INCOME.—The term ‘low-income child’ means a child whose family income is below 200 percent of the poverty line for a family of the size involved.

“(5) POVERTY LINE DEFINED.—The term ‘poverty line’ has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

“(6) PREEXISTING CONDITION EXCLUSION.—The term ‘preexisting condition exclusion’ has the meaning given such term in section 2701(b)(1)(A) of the Public Health Service Act (42 U.S.C. 300gg(b)(1)(A)).

“(7) STATE CHILD HEALTH PLAN; PLAN.—Unless the context otherwise requires, the terms ‘State child health plan’ and ‘plan’ mean a State child health plan approved under section 2105.

“(8) UNCOVERED CHILD.—The term ‘uncovered child’ means a child that does not have creditable health coverage.”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1101(a)(1) is amended—

(A) by striking “and XIX” and inserting “XIX, and XXI”, and

(B) by striking “title XIX” and inserting “titles XIX and XXI”.

SEC. 3503. OPTIONAL USE OF STATE CHILD HEALTH ASSISTANCE FUNDS FOR ENHANCED MEDICAID MATCH FOR EXPANDED MEDICAID ELIGIBILITY.

(a) INCREASED FMAP FOR MEDICAL ASSISTANCE FOR EXPANDED COVERAGE OF TARGETED LOW-INCOME CHILDREN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by adding at the end the following new sentence: “Notwithstanding the first sentence of this subsection, in the case of a State plan that meets the condition described in subsection (t)(1), with respect to expenditures for medical assistance for optional targeted low-income children described in subsection (t)(2), the Federal medical assistance percentage is equal to the enhanced medical assistance percentage described in subsection (t)(3).”; and

(2) by adding at the end the following new subsection:

“(t)(1) The conditions described in this paragraph for a State plan are as follows:

“(A) The plan is not applying income and resource standards and methodologies for the purpose of determining eligibility of individuals under section 1902(l) that are more restrictive than those applied as of June 1, 1997, for the purpose of determining eligibility of individuals under such section.

“(B) The plan provides for such reporting of information about expenditures and payments attributable to the operation of this subsection as the Secretary deems necessary in order to carry out sections 2103(d) and 2104(b)(2).

“(C) The amount of the increased payments under section 1903(a) resulting from the application of this subsection does not exceed the total amount of any allotment not otherwise expended by the State under section 2103 for the period involved.

“(2) For purposes of subsection (b), the term ‘optional targeted low-income child’ means a targeted low-income child described in section 2108(b)(1) who would not qualify for medical assistance under the State plan under this title based on such plan as in effect on June 1, 1997 (taking into account the process of individuals aging into eligibility under section 1902(l)(2)(D)).

“(3) The enhanced medical assistance percentage described in this paragraph for a State is equal to the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased by a number of percentage points equal to 30 percent of the number of percentage points by which (A) such Federal medical assistance percentage for the State, is less than (B) 100 percent.

“(4) Notwithstanding any other provision of this title, a State plan under this title may impose a limit on the number of optional targeted low-income children described in paragraph (2).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 1997.

SEC. 3504. MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by inserting after section 1920 the following new section:

1 “PRESUMPTIVE ELIGIBILITY FOR CHILDREN

2 “SEC. 1920A. (a) A State plan approved under section
3 1902 may provide for making medical assistance with respect
4 to health care items and services covered under the State plan
5 available to a child during a presumptive eligibility period.

6 “(b) For purposes of this section:

7 “(1) The term ‘child’ means an individual under 19
8 years of age.

9 “(2) The term ‘presumptive eligibility period’ means,
10 with respect to a child, the period that—

11 “(A) begins with the date on which a qualified en-
12 tity determines, on the basis of preliminary informa-
13 tion, that the family income of the child does not ex-
14 ceed the applicable income level of eligibility under the
15 State plan, and

16 “(B) ends with (and includes) the earlier of—

17 “(i) the day on which a determination is made
18 with respect to the eligibility of the child for medi-
19 cal assistance under the State plan, or

20 “(ii) in the case of a child on whose behalf an
21 application is not filed by the last day of the month
22 following the month during which the entity makes
23 the determination referred to in subparagraph (A),
24 such last day.

25 “(3)(A) Subject to subparagraph (B), the term ‘quali-
26 fied entity’ means any entity that—

27 “(i)(I) is eligible for payments under a State plan
28 approved under this title and provides items and serv-
29 ices described in subsection (a) or (II) is authorized to
30 determine eligibility of a child to participate in a Head
31 Start program under the Head Start Act (42 U.S.C.
32 9821 et seq.), eligibility of a child to receive child care
33 services for which financial assistance is provided under
34 the Child Care and Development Block Grant Act of
35 1990 (42 U.S.C. 9858 et seq.), eligibility of an infant
36 or child to receive assistance under the special supple-
37 mental nutrition program for women, infants, and chil-

1 dren (WIC) under section 17 of the Child Nutrition Act
2 of 1966 (42 U.S.C. 1786); and

3 “(ii) is determined by the State agency to be capa-
4 ble of making determinations of the type described in
5 paragraph (1)(A).

6 “(B) The Secretary may issue regulations further lim-
7 iting those entities that may become qualified entities in
8 order to prevent fraud and abuse and for other reasons.

9 “(C) Nothing in this section shall be construed as pre-
10 venting a State from limiting the classes of entities that
11 may become qualified entities, consistent with any limita-
12 tions imposed under subparagraph (B).

13 “(c)(1) The State agency shall provide qualified entities
14 with—

15 “(A) such forms as are necessary for an application to
16 be made on behalf of a child for medical assistance under
17 the State plan, and

18 “(B) information on how to assist parents, guardians,
19 and other persons in completing and filing such forms.

20 “(2) A qualified entity that determines under subsection
21 (b)(1)(A) that a child is presumptively eligible for medical as-
22 sistance under a State plan shall—

23 “(A) notify the State agency of the determination
24 within 5 working days after the date on which determina-
25 tion is made, and

26 “(B) inform the parent or custodian of the child at the
27 time the determination is made that an application for
28 medical assistance under the State plan is required to be
29 made by not later than the last day of the month following
30 the month during which the determination is made.

31 “(3) In the case of a child who is determined by a quali-
32 fied entity to be presumptively eligible for medical assistance
33 under a State plan, the parent, guardian, or other person shall
34 make application on behalf of the child for medical assistance
35 under such plan by not later than the last day of the month
36 following the month during which the determination is made,
37 which application may be the application used for the receipt

1 of medical assistance by individuals described in section
2 1902(l)(1).

3 “(d) Notwithstanding any other provision of this title,
4 medical assistance for items and services described in sub-
5 section (a) that—

6 “(1) are furnished to a child—

7 “(A) during a presumptive eligibility period,

8 “(B) by a entity that is eligible for payments
9 under the State plan; and

10 “(2) are included in the care and services covered by
11 a State plan;

12 shall be treated as medical assistance provided by such plan for
13 purposes of section 1903.”.

14 (b) CONFORMING AMENDMENTS.—(1) Section
15 1902(a)(47) of such Act (42 U.S.C. 1396a(a)(47)) is amended
16 by inserting before the semicolon at the end the following: “and
17 provide for making medical assistance for items and services
18 described in subsection (a) of section 1920A available to chil-
19 dren during a presumptive eligibility period in accordance with
20 such section”.

21 (2) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C.
22 1396b(u)(1)(D)(v)) of such Act is amended by inserting before
23 the period at the end the following: “or for items and services
24 described in subsection (a) of section 1920A provided to a child
25 during a presumptive eligibility period under such section”.

26 (c) EFFECTIVE DATE.—The amendments made by this
27 section shall take effect on the date of the enactment of this
28 Act.